

REMARKS/ARGUMENTS

In response to the Office Action mailed October 15, 2007, finally rejecting claims 1-18, Applicant requests reconsideration.

Applicant expresses appreciation for the courtesy of an interview granted to his representative on January 17, 2008. At the interview, the position of the Applicant, previously set forth, was repeated. It is the Applicant's view, as discussed further below, that the prior art cited and applied in rejecting all pending claims does not disclose all of the elements of the claims. For that fundamental reason, Applicant maintains his position that the rejection is erroneous.

Claims 1-18 are pending in this patent application and all of those claims were rejected as anticipated by a single publication, Takemoto et al. (U.S. Patent 5,941,774, hereinafter Takemoto). This rejection is respectfully traversed.

Claims 1 and 6 are the two pending independent claims. Both claims are directed to a gaming machine and to certain mechanical arrangements with respect to parts of the gaming machine. The claimed gaming machines include a cabinet having a front side that faces a player playing a game on the gaming machine.

The front side of the cabinet includes, according to claim 1, a front opening that is covered or closed by a transparent plate. A plurality of counter displays located within the cabinet display numerical values that change according to the state of a game. A container, which is disposed within the cabinet, has an open end that is located opposite the transparent plate and in which the plurality of counter displays are disposed. The display sections of those counter displays are opposite and, therefore, visible through the transparent plate. Finally, a rear lid applies pressure and supports the plurality of counter displays behind a front side of the cabinet.

According to claim 6, the gaming machine has, in the cabinet, two displays at the front side of the cabinet. The first display is a game display that displays an image during the playing of a game on the gaming machine. The second display is visible through an opening in the front side of the cabinet. That opening is located below the game display. The game display and the opening are separated by a projection that projects outwardly from the front side of the cabinet which, according to claim 7,

makes viewing of the opening with the second display difficult by a player of the game on the gaming machine. It is that lower display in claim 6 that includes the counter displays that are mounted within a container disposed within the cabinet. A rear lid applies pressure to and supports the plurality of counter displays in the container.

Many of the other pending claims, all of which are dependent claims, describe additional features of the invention.

Applicant respectfully traverses the rejection for fundamentally the same reasons previously presented in responding to the rejection and at the personal interview.

In the rejection, Takemoto was cited with respect to its Figure 1 which illustrates a gaming machine. The only reasonable interpretation of Figure 1 of Takemoto is that the gaming machine includes a recess, not a projection, at the front side of the gaming machine. Numerous elements are located within that recess, such as a display section 110 and a second display section 110A. The Takemoto game machine includes what appears to be an oblique surface with displays 103, 104, and 106, all related to the number of coins or tokens inserted, the number of games to be played, etc. The only element that projects from the front side of the cabinet is the start lever 108 and, possibly, the selector 105 for choosing the number of game plays.

In order to anticipate a claim, a prior art publication must disclose every element of the claim. This stringent test is not met with respect to any pending claim.

The assertions that Takemoto discloses a container accommodating a plurality of counter displays and “inherently discloses a rear lid...” as in claims 1 and 6 are clearly erroneous. There is no factual evidence to support the assertions as required to support any rejection. See *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

The assertion that Takemoto *inherently* discloses a rear lid pressing and supporting the plurality of displays from behind a transparent plate at least borders on the incredible. There is no description of any internal structure of the Takemoto gaming machine and no portion of Takemoto is cited as supplying that information.

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). MPEP 2112 IV.

There is no description in Takemoto that would require any particular internal structure within the cabinet of the Takemoto gaming machine and that could support a rejection in this instance based upon inherency. Moreover, the Examiner has presented no "basis in fact" that the claimed structure necessarily flows from the Takemoto specification.

As discussed at the interview, it is the understanding of Applicant's representative that the Examiner's view is that the elements of the claims that may not be expressly described by or depicted in Takemoto would have been obvious in view of Takemoto, based upon uncited prior art. Applicant respectfully submits that no obviousness rejection was made and that even what is known by those of skill in the art cannot be used to construct an anticipation rejection based upon a single reference, particularly a reference like Takemoto which does not disclose the claimed elements.

While it may be inevitable that some kind of hatch is present on the Takemoto gaming machine cabinet for access to the inside of the cabinet, that hatch might not be on the rear of the cabinet as in the claimed invention. More fundamentally, there is not even a suggestion in Takemoto as to how any of its displays behind transparent windows are supported. There are a myriad of ways that support could be provided. For example, the displays could be mounted directly to the cabinet. Therefore, the support arrangement of claims 1 and 6, i.e., using a lid pressing against the displays, cannot be inherent in Takemoto. If there were a hatch in the Takemoto cabinet, where is the suggestion, or the disclosure needed for anticipation, that the hatch applies pressure to support the displays? The lack of an answer in Takemoto shows that the rejection is entirely conjectural. Conjecture is not fact. For that most fundamental of reasons, no pending claim can be anticipated by Takemoto.

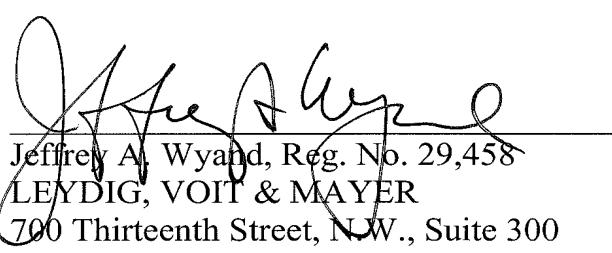
With respect to claims 4 and 6-8, it is apparent that Takemoto does not describe any projection projecting outwardly from the front side of the cabinet. The assertion to the contrary in the Office Action regarding the display 110 of Takemoto is plainly erroneous. The Takemoto display is within a recess in the front side of the cabinet, not at an outward projection. Further, there is no display or opening in the Takemoto gaming machine, arranged with respect to the display 110, so that an intervening projection makes observation of that opening by a player playing the game difficult. The start lever 108 cannot visually obscure anything. Thus, the rejection cannot be properly maintained with respect to claims 4 and 6-18

The rejection of dependent claims 2, 3, and 5 is, for the same reasons supplied in traversing the rejection of claim 1, clearly erroneous and cannot be properly maintained.

Applicant respectfully requests reconsideration, including, if no claim is allowed or indicated as allowable, a new search, identifying prior art at least disclosing each of the elements of claims 1-18 and that might form a proper basis for one or more rejections pursuant to 35 USC 102 and/or 103. Otherwise, the present rejection should be withdrawn and claims 1-18 allowed.

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,


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